

THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 15741 of 2007

Date:24-07-2007

Between:

Smt.Kolli Nirupama Devi and another
PETITIONER

□ □

AND

The Additional Agent to the Govt. & Project Officer, ITDA,
Bhadrachalam and three others

□ □

RESPONDENTS

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ORDER:

The petitioner seeks a writ of mandamus to declare the inaction of the 1st respondent in passing appropriating orders either on the stay petition or on the appeal itself filed on 24.02.2007 against the impugned order, dated 24.05.2006 in LTR Case No.199/98/ENK passed by the 2nd respondent, as illegal and arbitrary.

It is the case of the petitioner that as against the ejectment order passed against the first petitioner and the second petitioner who is not a party to the said ejectment orders, dated 24.05.2006 in L.T.R.Case No.199/98/ENK, passed by the 2nd respondent-Special Deputy Collector (Tribal Welfare), Bhadrachalam in ordering ejectment of the first petitioner from an extent of Ac.6-05 guntas in Sy.No.114 out of total extent of Ac.15.11 guntas situated at Nacharam village, Enkuru mandal, Khammam District, the petitioners filed an appeal on 24.02.2007 along with the application for grant of stay.

Learned Government Pleader for the respondents submits that the second petitioner is not a party to the eviction orders and in fact, the first petitioner remained ex parte without participating in the enquiry proceedings and therefore, he is not entitled for the stay of the operation of the impugned order.

I am of the opinion that though the petitioners have not participated in the enquiry, but still the first petitioner is entitled to maintain the appeal.

Having regard to the facts of the case, the first respondent is directed to consider and dispose of the appeal said to have been filed by the petitioners if it is pending and maintainable. If any appeal is

pending, status-quo obtained as on today with regard to the possession of the said land shall be maintained, pending disposal of the appeal.

With the above observations, the writ petition is disposed of. No costs.

V.ESWARAIAH, J.

Date:24.07.2007
ccm